

## **EMPLOYMENT MATTERS COMMITTEE**

**17 APRIL 2014**

### **SMOKE FREE POLICY**

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#### **Summary**

The report seeks agreement to the revised Smoke Free Policy.

#### **1. Budget and Policy Framework**

- 1.1 The Policy lies within the Council's policy and budget framework and the Committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

#### **2. Background**

- 2.1 In January 2006 the Employment Matters Committee agreed a Smoker's policy as a result of the Government decision to ban smoking in public places and this has been subsequently reviewed on a regular basis by the Corporate Health and Safety Committee. In 2013 responsibility for Public Health passed from NHS to local authorities, giving Medway Council the lead role locally in reducing harm from tobacco. Medway Council is responsible for improvement and protection of the health of people living and working in Medway.
- 2.2 This policy replaces the previous 'Smoker's Policy' and encompasses the range of responsibilities that Medway Council has as an employer, service provider and exemplar in promoting healthy lifestyles amongst Medway residents. The revised policy is attached at Appendix 1.

#### **3. Advice and analysis**

- 3.1 The policy will apply to all staff, customers, visitors, contractors and other persons who enter the premises of the council. It is concerned with when and where employees smoke, and the effect this has on service users, visitors and colleagues.
- 3.2 The objectives of the policy are to underpin the council's role as lead agency in reducing local smoking prevalence and to promote the culture of a smoke free council; to protect staff from the harms associated with tobacco use; to protect customers, visitors and

contractors from the harms associated with tobacco use; to set an example to local people, employers and workforces; to ensure all staff are aware of their responsibilities in relation to the rules set out in this policy; to ensure that people who smoke have access to support in order to manage workplace restrictions, or to stop smoking and to support customers and visitors in complying with the policy.

3.3 There are guidance notes to support the policy and these are attached at Appendix 2.

3.4 The revised policy is significantly more detailed than the previous policy, which is attached at Appendix 3 for information.

#### **4. Consultation**

4.1 Consultation has been with the trade unions, the staff forums and a selection of managers. No comments were received.

#### **5. Risk Management**

5.1 It is important that all staff are made aware of this policy and their responsibilities within it.

5.2 Failing to implement the policy in a fair and consistent manner may result in successful legal challenges.

5.3 Failing to adhere to the councils responsibilities under the Equality Act 2010 could pose a legal challenge at employment tribunal.

5.4 It is therefore necessary for the new policy, included at Appendix 1 to the report, to be promoted throughout the council.

#### **6. Diversity Impact Assessment (DIA)**

6.1 A Diversity Impact screening has been undertaken and it is considered that a full DIA is not required. This is included at Appendix 4 to the report.

#### **7. Financial and legal implications**

7.1 It is not envisaged that there will be any additional financial implications with the implementation of this policy.

7.2 Implementation of this policy enables the Council to comply with its various statutory obligations. Implementation of the policy is within the council's powers. In the application of this policy it is essential that a fair and consistent approach is to be applied to all staff in order to minimise successful legal challenges. The council must ensure that in the application of the policy due regard must be given to all relevant legislation and in particular the Equality Act 2010 and The Employment Rights Act 1996.

## **8. Recommendations**

- 8.1 That the Employment Matters Committee approves the revised Smoke Free Policy as set out in Appendix 1 to the report.
- 8.2 That this policy is reviewed in two years time and any proposed changes are referred to this Committee.

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### **Background papers**

Employment Matters Committee report/minutes – January 2006 (item 747) -  
<http://democracy.medway.gov.uk/CeListDocuments.aspx?MID=890&RD=Minutes&DF=12%2f01%2f2006&A=0&R=0>





# Medway Council Smoke Free Policy



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## **1. Purpose of the Policy**

- 1.1 In 2013 responsibility for Public Health passed from NHS to local authorities, giving Medway Council the lead role locally in reducing harm from tobacco. Medway Council is responsible for improvement and protection of the health of people living and working in Medway.
- 1.2 This policy replaces the previous 'Smoker's Policy' and encompasses the range of responsibilities that Medway Council has as an employer, service provider and exemplar in promoting healthy lifestyles amongst Medway residents.
- 1.3 All of the Council's workplaces (including its vehicles) are smoke-free in accordance with the Health Act 2006 and associated regulations. All staff and visitors have the right to a smoke-free environment.
- 1.4 This policy covers all employees, officers, consultants, contractors, volunteers, interns, casual workers, agency workers and visitors. Anyone visiting the Council premises or using Council vehicles must comply with the smoking restrictions set out in this policy.
- 1.5 This policy is concerned with when and where employees smoke, and the effect this has on service users, visitors and colleagues.
- 1.6 Objectives:
  - To underpin the council's role as lead agency in reducing local smoking prevalence and to promote the culture of a smokefree council
  - To protect staff from the harms associated with tobacco use
  - To protect customers, visitors and contractors from the harms associated with tobacco use
  - To set an example to local people, employers and workforces
  - To ensure all staff are aware of their responsibilities in relation to the rules set out in this policy
  - To ensure that people who smoke have access to support in order to manage workplace restrictions, or to stop smoking
  - To support customers and visitors in complying with the policy

## **2. Effects of Smoking**

- 2.1 Smoking impacts on many areas of Council concern including:
  - Health of children and adults
  - School attendance rates
  - Debt and child poverty
  - Premature death, pregnancy complications and infant mortality
  - Mobility and ability to live independently
  - Workplace productivity
  - Litter, street-scene and fire risk

- Ability to enjoy and access leisure and sport
- 2.2 Medway Council acknowledges that smoking and secondhand smoke are both public health issues and are proven to cause ill health.

### **3. Responsibilities of Managers**

- 3.1 Managers are responsible for implementing this policy in accordance with the Public Health White Paper, Choosing Health, Health Act 2006 and the Health and Safety at Work Act 1974.
- 3.2 Line managers are expected to ensure that staff, customers and visitors are aware of the Smokefree Policy.
- 3.3 Line managers should ensure that staff who smoke are aware of the Medway Stop Smoking Service, the council's supportive approach to staff who wish to stop smoking and their entitlement to attend in work time where operationally feasible
- 3.4 Line managers should allow staff reasonable paid time off to attend approved, evidence-based stop smoking interventions if requested, subject of course to the needs of the service.
- 3.5 On no occasion should line managers take a confrontational approach to matters relating to staff smoking. Staff who experience difficulties in the application of the policy should be offered support and encouragement. Disciplinary action should only be implemented should all other methods fail.
- 3.6 Line managers should reassure employees who smoke that:
- They are not required to stop smoking if they do not wish to do so.
  - If they *do not* wish to stop smoking, they may like to use over-the-counter, or prescription nicotine replacement products while at work to help them manage their workplace responsibilities and comply with the requirements of the policy.
  - They may smoke during unpaid breaks in the working day in designated smoking areas.
  - Uniformed staff may smoke in unpaid time provided they remove or cover identifiable uniform items.
- 3.7 In addition to applying the policy to restrict smoking on Council premises, Line managers will ensure that processes are in place to protect staff who work in other settings. This includes:
- Measures to ensure that staff conducting home-visits are able to do so in a smokefree environment. The sentence "*please don't smoke*"



*in your house during our visit, or 20 minutes before we are due to arrive. Our staff have the right to postpone your appointment if they have reason to believe this request has not been followed” or similar request should be automatically included on all appointment letters.*

- Staff conducting home visits have the right to postpone the visit, or if possible arrange an alternative meeting place if this has not been fulfilled.

3.8 Line managers will encourage staff to raise awareness of the service offered by Medway Stop Smoking Service during contacts with customers, clients or service users and, where appropriate, integrate a Stop Smoking referral offer into existing processes.

#### **4. Responsibilities of Human Resources**

- 4.1 Job advertisements will include reference to the Smokefree Policy.
- 4.2 Human Resources will be responsible for initiating reviews of this policy as appropriate.
- 4.3 Ensure that staff induction includes input on referring customers, clients and service users to Medway Stop Smoking Service.
- 4.4 Ensure that contracts of employment refer to the conditions of this Policy

#### **5. Where is Smoking Banned**

- 5.1 Smoking is not permitted in any enclosed or substantially enclosed premises within the Council’s workplace. The ban applies to anything that can be smoked and includes, but is not limited to, cigarettes, electronic cigarettes, pipes (including water pipes such as shisha and hookah pipes), cigars and herbal cigarettes.
- 5.2 No smoking signs are displayed within the Council premises.
- 5.3 Anyone using Council vehicles, whether as a driver or passenger, must ensure the vehicles remain smoke-free. Any Council vehicles that are used primarily for private purposes are excluded from the smoking ban.

#### **6. Responsibilities of Staff Who Smoke**

- 6.1 Staff may smoke in unpaid break times during their working day. Staff are not permitted to smoke during paid work time.
- 6.2 Smoking on Council premises is only allowed outside in designated smoking areas.

- 6.3 Uniformed staff are considered to be representing the Council at all times when their uniform is visible to members of the public, and, in line with Medway Council's role in setting a positive health example, should not be seen smoking in uniform, either in paid or unpaid time.
- 6.4 These rules also apply during circumstances such as evacuation of the building during a fire alarm.
- 6.5 In accordance with the Council's role in reducing litter and protecting the environment, tobacco related litter must be disposed of appropriately at all times. Employees who smoke may wish to carry personal ashtrays.
- 6.6 Staff should be confident in conversing with customers about the support available for anyone living or working in Medway provided by Medway Stop Smoking Service. Staff should complete a simple referral wherever appropriate.

## **7. Visitors & Contractors**

- 7.1 All visitors and contractors should be made aware of Medway Council's Smokefree Policy and should be asked to adhere to it during their time on Council premises.
- 7.2 Contracts with Medway Council will stipulate adherence to this Policy as a contractual condition.
- 7.3 This Policy also applies to council construction sites.
- 7.4 Contractors should ensure employees are aware of the service offered by Medway Stop Smoking Service.

## **8. Support for people who smoke**

- 8.1 Medway Council recognises its duty towards employees who smoke and reducing smoking prevalence in the population of Medway.
- 8.2 Medway Stop Smoking Service offers free support and access to treatments, such as nicotine replacement therapies (including patches, gum and the inhalator) and non-nicotine medications such as Champix, for people who live or work in Medway who wish to stop smoking.
- 8.3 Support is available in a number of different forms, including drop-in sessions, 1:1 appointments or 7-week courses. Telephone support is available for housebound clients. The service is available in a wide range of locations across Medway.
- 8.4 You can access the service by calling 0800 234 6805 or visiting [www.abettermedway.co.uk](http://www.abettermedway.co.uk)

## **9. Electronic Cigarettes**

- 9.1 Staff may use electronic cigarettes and other similar electronic nicotine containing products during unpaid break times during their working day. Use is not permitted during paid work time.
- 9.2 Use of electronic cigarettes is not permitted inside Council premises. However, since these products are generally used for reducing or stopping smoking, use is not confined to designated external smoking areas.
- 9.3 Staff are not permitted to charge electronic smoking devices on Council premises.
- 9.4 Since electronic cigarettes often resemble 'standard' cigarettes very closely, staff should not be seen using electronic cigarettes whilst in uniform, either in paid or unpaid time.

## **10. Sale of Tobacco Products**

- 10.1 No sales of tobacco products will be allowed on any council premises or at council events.
- 10.2 It is a criminal offence for anyone to sell, transport or possess illicit tobacco products. Penalties for such offences may include imprisonment and/or fines including fines of up to £5000 for any manager allowing their premises to be used for such activities
- 10.3 The selling/storing or dealing of illicit tobacco products on Council property will be considered as gross misconduct and dealt with as a criminal offence.
- 10.4 Medway Council will fully co-operate with Law Enforcement agencies in investigations into illegal tobacco related offences.

## **11. Tobacco industry sponsorship**

- 11.1 The tobacco industry has been known to approach Councils with offers of apparently pro-social support. Examples of this include anti-tobacco litter campaigns and interventions to prevent uptake of smoking. Evidence demonstrates that these have proved counter-productive and/or of more benefit to the industry than the local population.
- 11.2 Medway Council does not believe it is in the interest of residents for it to engage with the tobacco industry in relation to either support in kind (including provision of material or academic/intellectual resources) or financial support.

## **12. Monitoring & Review**

12.1 A review of the Policy will be conducted biannually to ensure that it continues to meet the aims and objectives it seeks to fulfil and meets the needs of the organisation. Such reviews will include:

- Assessing effectiveness of implementation.
- Ensuring that the Policy, and training on Stop Smoking referral continues to be included in the organisations' induction programme.
- Assessing and reviewing designated smoking areas.

12.2 Comments or queries related to this policy should be directed to:

The Human Resources Team

## **13. Breaches of the Policy**

13.1 Dropping of cigarette ends and associated litter and any other breach of this policy will be regarded as misconduct and will be dealt with under the Council's Disciplinary Procedure.

13.2 In serious cases, breaches of this policy may be treated as gross misconduct and the Council may use its disciplinary policy and procedure to deal with the matter.

13.3 Smoking in smoke-free premises or vehicles is also a criminal offence and may result in a fixed penalty fine and/or prosecution.

## **14. Definitions**

14.1 'Smoke Free' does not refer to whether you smoke, but where and when you smoke.

14.2 The terms ' Staff' or 'Employees' refer to all people working for Medway Council, including staff from other organisations hosted within Medway Council premises and volunteers.

14.3 'Council premises' includes buildings and vehicles owned or leased by the council or used for conducting council business.

## Appendix 2

# **Medway Council Smoke Free Policy - Accompanying Guidance**

### **Introduction**

Smoking impacts on many areas of Council concern including:

- Health of children and adults
- School attendance rates
- Debt and child poverty
- Premature death, pregnancy complications and infant mortality
- Mobility and ability to live independently
- Workplace productivity
- Litter, street-scene and fire risk
- Ability to enjoy and access leisure and sport

Smoking kills more people every year than alcohol, cocaine, heroin, murder, suicide, car accidents, fires and AIDS combined (1)

In 2013, responsibility for Public Health passed from NHS to local authorities, giving Medway Council the lead role in reducing harm from tobacco locally.

This Guidance Document is designed to accompany Medway Council's Smoker's Policy and will provide Council staff with detailed information on the impact of smoking and passive smoking, help available for those that want to quit and information on other local tobacco control issues.

### **Effects of Smoking**

Smoking is the primary cause of preventable illness and early death in the UK (2). About half of all smokers will die prematurely from smoking, losing on average 10 years of life (3). The habit has been linked with many health conditions affecting organs throughout the body, for example heart disease, stroke, cancer (including throat, mouth, stomach and bladder), Chronic Obstructive Pulmonary Disease (COPD) and fertility problems. Perhaps less well known is the link between smoking and mental ill health. For example, tobacco use is associated with increased risk of major depression (4,5) and, contrary to the belief of many smokers, it does not help to relieve anxiety (6,7). All inhaled tobacco products are harmful to health, regardless of whether the individual smokes cigarettes, cigars, roll-ups, a pipe, beedi or any other smoking device.

### **Passive Smoking**

The World Health Organisation (WHO) defines this as “the exposure to second-hand tobacco smoke (SHS) which is a mixture of exhaled mainstream smoke and side stream smoke released from a smouldering cigarette or other smoking device (cigar, pipe, beedi etc.) and diluted with ambient air”. The passive smoker is therefore inhaling all of the toxins and carcinogens present

in the SHS and as a result, second hand smoking causes around 11,000 deaths in the UK each year (8). Indeed, passive smoking has been linked to development of conditions such as lung cancer, heart disease and stroke in non-smokers.

### **Smoking Cessation**

If a staff member wants to quit smoking, they can access support to do so from Medway Stop Smoking Service (MSSS). This team falls under the Public Health Directorate at Medway Council and can provide staff with a range of support options, including:

- **Seven-week courses**

Courses are held for an hour a week at venues across Medway. The first two weeks of the course are preparation and information sessions, week 3 is quit week and weeks 4-7 are follow-up weeks. Courses provide a great opportunity to share thoughts and experiences with other attendees, whilst also being supported through every step of the quitting process by a specialist Smoking Cessation Advisor. Information is provided on topics such as relapse prevention techniques, smoking and stress and lung health.

- **Drop-in Clinics**

This option provides a more informal approach to smoking cessation support. Again these clinics are held at venues across Medway. There are no set appointment times, attendees just drop-in once a week (for 6-7 weeks) and speak to an Advisor on a one-to-one basis. Attendees should be aware that there can be a small waiting time if the clinic is busy and that there will be other quitters present at clinics.

- **One-to-one Appointments**

If a more tailored, private one-to-one option is required, this can be provided by trained Advisors in a number of Pharmacies and GP Surgeries in Medway. Generally you would attend for a series of 6-7 appointments and MSSS can provide details of your nearest participating pharmacy or GP Surgery.

- **Telephone Support**

For people who are housebound and would like support to quit smoking, MSSS can provide advice over the phone. A Specialist Advisor will call once a week for 6-7 weeks and any relevant information and/or Nicotine Replacement Therapy (NRT) Vouchers are posted to clients.

NRT is provided via a voucher system as part of all support options (maximum 12-weeks worth, prescription charges apply). MSSS will also facilitate prescription of Champix or Zyban if this is the preferred choice of medication. MSSS provides a friendly, flexible support service with an excellent success rate; you are four times more likely to quit smoking successfully with support compared to quitting alone. Anyone wanting help to quit should contact MSSS on 0800 2346805.

The support provided by MSSS is available to anyone wanting help to quit in Medway. If Medway Council clients, customers or service users state that

they would like help to quit smoking, staff can refer them directly to MSSS or provide them with the service contact number (0800 2346805).

### **SWAP 1**

The nicotine contained in cigarettes (and other tobacco products) is highly addictive. Less than 8 seconds after inhaling on a cigarette, a 'rush' of nicotine will flood the brain and lead to a release of 'feel-good chemicals' (eg. Dopamine) that give rise to feelings of well-being and pleasure. This feel good chemical release and subsequent pleasant feelings that result from smoking will cause the need to repeat the behaviour. If the behaviour is not repeated, withdrawal symptoms such as cravings and irritability will ensue. **The only way to fully break this cycle and avoid the significant health harms associated with smoking is to quit smoking completely.**

However, some people may feel that they don't want to quit or are not ready to quit. In response to this, Medway Tobacco Control Team are piloting the 'SWAP 1' project. The project encourages smokers to swap some of their cigarettes throughout the day for NRT (namely the inhalator or NiQuitin Minis). Whilst there are no real health benefits to the smoker from cutting down, use of SWAP 1 does reduce harm from secondhand smoke, increase faith in NRT, help smokers to feel more in control of when they smoke and increase workplace productivity. For more information, or if you would like a 'SWAP 1' pack, please contact the Tobacco Control Team on 01634 331074.

### **Illicit Tobacco**

This is mainly found in the form of cigarettes and hand-rolling tobacco that is being sold cheaper than normal market prices. Signs that illicit tobacco is being sold include tobacco products without the "UK Duty Paid" pack mark, unusual foreign brands, no health warnings displayed or health warnings in foreign languages and tobacco being sold in unusual places such as car boot sales or under the retail counter.

Illicit tobacco comes in three distinct forms:

- **Bootlegged** - Usually genuine cigarettes and hand-rolling tobacco which are duty paid in the EU, illegally brought into the UK and sold without the payment of UK duty and tax
- **Smuggled** - Either UK or foreign brands illegally imported into the UK without the payment of UK duty and tax. They are usually either a genuine product sourced from outside the EU, or counterfeit cigarettes made to look like a premium genuine product
- **Counterfeit** - fake packaging. Cheap, low grade cigarettes or tobacco packaged to look like premium UK brands

Although it may be the cheap option, illicit tobacco is against the law and has many far-reaching negative consequences. For example, it makes it easier for children to begin smoking as sellers will target children to make an easy profit. Also, the illegal tobacco trade is linked to serious organised crime and profits strengthen gangs and their grip on vulnerable people in Medway.

In addition, illegal tobacco is completely unregulated, meaning yields of chemicals such as lead, arsenic and formaldehyde tend to be much higher. It is often 'packed out' with other materials that resemble dried tobacco such as sawdust. This material often burns at a higher temperature and produces higher levels of carbon monoxide, increasing risk to health. Illegal cigarettes are also not self-extinguishing, so they present a significant fire risk. Rat and mouse droppings, dead insects, dust and floor sweepings have all been found in illegal tobacco products.

To confidentially share information about illicit tobacco sales in Medway, call Medway Trading Standards Hotline on 01634 334455 or email [consumer.protection@medway.gov.uk](mailto:consumer.protection@medway.gov.uk)

### **Underage Sales**

Children in Medway should be able to grow up without an addiction to smoking. The younger a child is when they begin experimenting with cigarettes, the more likely they are to become addicted, the less likely they are to be able to quit and the greater the harm to their health (9, 10, 11). We rely on people selling tobacco to act responsibly, and protect children by not selling to under 18s. If you know a shop, private address or person in Medway that is selling tobacco products to under 18s, you should call the Trading Standards Hotline on 01634 334455 or email [underage.sales@medway.gov.uk](mailto:underage.sales@medway.gov.uk)

### **Shisha (also known as Sheesha or Hookah)**

This is typically a loose-leaf tobacco mixed with molasses and flavourings that is smoked using a water pipe. Due to the fact that the product is smoked and generally contains tobacco, it is as harmful as using any other inhaled tobacco product. Even tobacco-free shisha is not safe because smokers still inhale carbon monoxide and toxins from the coal or charcoal used in the water pipe. Breathing in second hand shisha smoke also poses serious health risks. The fact that the product is smoked through water does not filter out dangerous toxins or nicotine.

### **Other Tobacco Products**

As well as Shisha, there are other tobacco-containing products that may be used by council staff and/or the clients, service users or customers that they work with. These may be products that are sucked or chewed (eg. Paan masala or gutkha), dry snuff (a fine tobacco powder that is sniffed) or creamy snuff (a tobacco toothpaste). These products are often illegally imported, avoid paying duty and have inadequate health warnings so users may not be aware of the risks.

Smokeless tobacco products contain nicotine and are therefore highly addictive. They also contain a multitude of toxins and because they are often chewed or sucked, these toxins can cause a number of health problems including cancer of the mouth and throat. Rates of mouth and throat cancer are highest in South Asian communities and are directly linked to oral tobacco use.



### **Electronic Cigarettes**

These products are not currently regulated, meaning that little is known about their effectiveness, quality or safety. Following a public consultation and extensive market and scientific research, the Medicines and Healthcare Products Regulatory Agency (MHRA) announced that the government will regulate electronic cigarettes and other nicotine containing products (NCPs) as medicines by 2016. This will ensure that these products are a safe and effective option to help smokers cut down and/or quit smoking.

### **Tobacco Litter**

Tobacco litter should always be disposed of safely. Carelessly discarded cigarettes can remain smouldering at over 700°C and are responsible for a great number of fires in the UK each year. Tobacco litter is unsightly and also helps to normalise smoking, which is in turn a factor contributing to youth uptake of smoking. Clearing litter, including cigarette butts, from pavements and parks costs Medway taxpayers £2.8 million every year. Please dispose of litter responsibly.

**For more information on any of the subjects discussed in this guidance document, please visit [www.abettermedway.co.uk](http://www.abettermedway.co.uk) or contact the Tobacco Control Team on 01634 331074**

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# Medway Council Smoker's Policy



# **Medway Council Smoker's Policy**

## **1.0 Background**

- 1.1 Medway Council recognizes its duty to provide its employees with a safe and healthy work environment and the significant evidence of the effects of smoking and passive smoking on health.
- 1.2 In addition, the Health Bill which was passed through Parliament in February 2006, legislates a total ban on smoking in public places. In effect, this means all property owned or operated by Medway except for private houses and residential homes.

## **2.0 Scope**

- 2.1 The policy covers all Authority buildings and property. The policy covers, employees, Elected Members, service users and visitors.

## **3.0 The Basics**

- 3.1 For these reasons, Medway Council introduced a no smoking policy in all areas in which employees work effective from July 1st 2007.
- 3.2 For clarification, the ban includes the following;
  - All offices and office buildings
  - Reception areas
  - Meeting rooms
  - Committee rooms
  - Lifts
  - Corridors
  - Bars/cafeterias/restaurants
  - Stairways
  - Toilets
  - Staff rooms/rest rooms
  - Kitchens
  - Vehicles used for Council business
  - Leisure centres/facilities
  - Theatres/museums
- 3.3 This list is not exhaustive.
- 3.4 Whilst this policy refers mainly to smoking, it also refers to other tobacco related products that are not inhaled, such as snuff, snuss and chewing tobacco. This list is not exhaustive.

## **4.0 Places where smoking will still be permitted**

- 4.1 Individuals who wish to smoke must do so outside of the building, away from access points (i.e. entrance doors and windows) in an appropriate area to be determined locally. Any time spent in these areas must be kept to outside working hours (i.e. before/after work, during recognised breaks as agreed at local level).

## **5.0 Enforcement and monitoring**

- 5.1 Managers will have a responsibility to ensure that their staff comply with the policy. Persistent and /or intentional breaches of the policy by employees of the Council will lead to disciplinary action under the Council's disciplinary procedure.
- 5.2 In addition, the Health Bill prescribes that persons found smoking in a public place will be liable to prosecution.

## **6.0 Advice and Support**

- 6.1 Medway Council will make available to all employees relevant publicity material about the hazards of smoking and will also offer advice and support to help those who wish to give up smoking. Further information will be available from the Human Resource Services department.

## **7.0 Special Circumstances**

- 7.1 Residential care homes will be exempt from this legislation. Departments responsible will decide what action is appropriate, remembering that employees have a right to a health and comfortable working environment.
- 7.2 This policy supersedes all other smoking related policies in existence within Medway Council.



**APPENDIX 4**

<p><b>Directorate</b> Business Support Department</p>	<p><b>Name of Function or Policy or Major Service Change</b> <b>Tobacco Policy</b></p>	
<p>Officer responsible for assessment  Paula Charker, Employee Relations Manager</p>	<p>Date of assessment  10 March 2014</p>	<p>New or existing?  Existing</p>
<p><b>Defining what is being assessed</b></p>		
<p><b>1. Briefly describe the purpose and objectives</b></p>	<p>Ensures fair treatment of individual staff. To ensure that effective arrangements exist for dealing with matters that may warrant action in a consistent and fair manner</p> <p>Establishes a fair procedure in accordance with statutory requirements and ACAS guidance.</p>	
<p><b>2. Who is intended to benefit, and in what way?</b></p>	<p>Staff are intended to benefit by being aware of the standards of performance expected of them as a Medway Council employee. Medway managers are intended to benefit by becoming competent and confident in applying the procedures fairly and consistently. The result will be that Medway customers will benefit by being served by a highly skilled, well motivated workforce.</p>	
<p><b>3. What outcomes are wanted?</b></p>	<p>To secure improvement in conduct or behaviour, to treat all employees in a fair and consistent manner and to operate a procedure so that all parties know what to expect. It is therefore, in the interest of the employee, the Council and the community that any matter is dealt with and concluded without undue delay, effectively and fairly.</p>	
<p><b>4. What factors/forces could contribute/detract from the outcomes?</b></p>	<p>Contribute</p> <p>Good staff induction Managers dealing with issues at an early stage Consistent application of the procedure Monitoring of the staff subject to procedures</p>	<p>Detract</p> <p>Managers failing to implement the procedure consistently and speedily Employees refusing to co-operate Line management confidence and competence to manage effectively Trade union resistance</p>
<p><b>5. Who are the main stakeholders?</b></p>	<p>Managers and employees</p>	
<p><b>6. Who implements this and who is responsible?</b></p>	<p>HR Services and managers implement the procedure .HR Services is responsible for the procedure.</p>	

<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>ethnicity/ racial groups</i>?</b>		
	NO	
<b>What evidence exists for this?</b>	The policy has been shared with the BWF, the DWF, the LGBT forum and the trade unions. No concerns have been received.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>		
	NO	
<b>What evidence exists for this?</b>	The policy has been shared with the BWF, the DWF, the LGBT forum and the trade unions. No concerns have been received.	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>		
	NO	
<b>What evidence exists for this?</b>	The policy has been shared with the BWF, the DWF, the LGBT forum and the trade unions. No concerns have been received.	
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>	NO	No evidence to support a differential impact on grounds of religion or belief.
<b>What evidence exists for this?</b>		
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>		No evidence to support a differential impact on grounds of religion or belief.
	NO	
<b>What evidence exists for this?</b>		
<b>12. Are there concerns there <u>could</u> be a differential impact due to <i>age</i>?</b>		No evidence to support a differential impact on grounds of age.
	NO	
<b>What evidence exists for this?</b>		
<b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</b>	NO	No evidence to support a differential impact on grounds of religion or belief.
<b>What evidence exists for this?</b>		



14. Are there any other groups that would find it difficult to access/make use of services, or who might experience unfavourable treatment, as a result of the function/ policy/ service change (eg people with caring responsibilities or dependants, those with an offending past, or people living in rural areas)?		If yes, which group(s)?
	NO	
What evidence exists for this?		
15. Are there concerns there <u>could</u> be a differential impact due to <i>multiple discriminations</i> (eg disability and age)?]	NO	
What evidence exists for this?	The policy has been shared with the BWF, the DWF, the LGBT forum and the trade unions. No concerns have been received.	

<b>Conclusions &amp; recommendation</b>		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	N/A	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	N/A	

<b>Recommendation to proceed to a full impact assessment?</b>		
NO	This function/ policy/ service change complies with the requirements of the legislation.	
	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)	None
	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

**Planning ahead: Reminders for the next review**

<b>Date of next review</b>	2 years time.	
<b>Areas to check at next review (eg new census information, new legislation due)</b>	Check whether any particular groups have experienced: i.difficulties in accessing or making use of the policy; ii.the application of the policy has been fair and consistent across the council.	
<b>Is there <i>another group</i> (eg new communities) that is relevant and ought to be considered next time?</b>	Check that the function/policy/service continues to be accessible and fairly applied to members of the Council's workforce, including any additional demographic groups, including any additional demographic groups.	
<b>Signed (Assistant Director)</b>  Tricia Palmer, Assistant Director, Organisational Services	<b>Date</b>  10 March 2014	